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PATENT

Applicant: **Nadia M. Corlett**
Title: **ULTRA-COMPACT AND HIGHLY PORTABLE ABSORBENT ARTICLES**
Serial No.: **09/560,246**
Filed: **April 26, 2000**
Group Art Unit: **3761**
Examiner: **Jacqueline F. Stephens**
Agent's File Reference: **9911-01**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that on the date identified below, this correspondence and each paper listed below are being deposited in the above-identified application with the United States Postal Service with sufficient postage in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22131:

November 22, 2005

Date

Eric K. Satermo

Signature

Eric K. Satermo

Typed or printed name of person signing Certificate

Each paper attached or enclosed:

1. REPLY BRIEF.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)(1)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Sir:

Introductory Comments

An EXAMINER'S ANSWER was issued September 22, 2005, in the subject application. Appellant hereby files this REPLY BRIEF in triplicate.

Allowable Claims

Applicant acknowledges with thanks the Examiner's withdrawal of the rejections of claims 25 and 26 under 35 U.S.C. § 112. As there are no remaining issues on claims 25 and 26, these claims are in condition for allowance.

Remaining Issue

The only issue that remains to be settled in the application is whether claims 1, 4, 5, 9, 16, 19, 20, 23, and 24 are patentable under 35 U.S.C. § 102 in view of U.S. Patent No. 6,321,513 to Meixner.

Summary of Claims

Claims 1, 4, 5, 9, 16, 19, 20, and 23–26 are pending. Claims 1 and 16 are independent claims. Claims 4, 5, 9, 23, and 24 depend from claim 1. Claims 19, 20, 25, and 26 depend from claim 16.

Claim 1

Claim 1 recites a highly compact and portable absorbent article that includes:

a single absorbent article that is compressible and reconfigurable... ; and
a packaging for retaining said single absorbent article in said compressed condition;

said absorbent article occupying a volume of space that is reduced by at least about 30% when said absorbent article is reconfigured from said normal condition to said compressed condition; and
said packaging 16 for retaining said single absorbent article when said article is in said compressed condition, thereby yielding an individually packaged compact and portable absorbent article.

Claim 16

Claim 16 recites a method for packaging an absorbent article to yield an individually packaged single absorbent article that is compact and portable. The method includes:

providing a packaging;
providing an absorbent article ... ;
reconfiguring the absorbent article such that the volume of space is reduced by at least 30%;
retaining the absorbent article when reconfigured within said packaging, thereby yielding an individually packaged compact and portable absorbent article.

Cited Reference

U.S. Patent No. 6,321,513 to Meixner discloses a method in which a packaging material can be used to compress a product during or after a packaging procedure or to exert a uniform multi-side or all-side pressure on a packaged commodity. Meixner states that the method is advantageous in the packaging of diapers, hygiene paper, sanitary pads or the like. Meixner also states that the volume of diapers can be compressed by up to half in accordance with his method.

Meixner's method entails packaging articles in a elastic packaging material in which:

- the elastic packaging material is expanded in the packaging procedure; and
- the packaging material is strained as uniformly as possible (see column 2, lines 40–45).

The uniform strain is only over a little per area unit during the packaging procedure, thereby preventing damage to the packaging material. Also, the packaging material is expanded uniformly and/or in a defined manner so that it clings to the commodity to be packaged.

Errors in the Rejection

The primary error in the rejection of claim 1 that the Patent Office does not establish a *prima facie* case of anticipation. The requirements for *prima facie* anticipation is for the Patent Office to provide:

- a) a single reference
- b) that teaches or enables
- c) each of the claimed elements (arranged as in the claim)
- d) expressly or inherently
- e) as interpreted by one of ordinary skill in the art.

The single reference provided by the Patent Office, namely, Meixner, fails to teach or enable:

- a single absorbent article that is compressed and then packaged while compressed to yield an individually packaged absorbent article as recited in claim 1; and
- packaging a single compressed absorbent article within a single packaging to yield an individually packaged absorbent article as recited in claim 16.

Rather, Meixner claims that his method may be used to package a plurality of diapers. This is a conventional packaging system that is used to package a plurality of diapers into plastic packaging that is then either sold within the packaging or repackaged into cardboard packaging.

In contrast to the limitations of claims 1 and 16, Meixner does not teach compressing an absorbent article than then individually packaging the article. Rather, Meixner expands the packaging and then inserts the commodity into the expanded packaging.

Provided below is a summary of the differences between the recitations of claims 1 and 16 and the teachings of the Meixner patent:

<u>Claims 1 and 16</u>	<u>Meixner</u>
compress article	no compression of commodity
no expansion of packaging.....	expand packaging
package compressed article.....	package uncompressed commodities

If there is any compression of commodities in Meixner's patent, the compression comes after the commodities have been packaged, not before as recited in claims 1 and 16. In addition, there is no discussion in the Meixner patent of packaging a *single* absorbent article as recited in claims 1 and 16. Clearly, Meixner fails to meet the requirements of *prime facie* anticipation.

In view of the foregoing, it is respectfully submitted that the Meixner patent fails to teach the absorbent article of claim 1 and the method of claim 16, and, therefore, that claims 1 and 16 are patentable. In addition, claims 2, 4, and 9 depend from claim 1, and claims 19 and 20 depend from claim 16. Each of these dependent claims recites additional features of the invention. For reasons analogous to those presented in relation to claims 1 and 16, it is respectfully submitted the Meixner patent also fails to teach the absorbent article of claims 4, 5, and 9, and the methods of claims 19 and 20, and, therefore, that claims 4, 5, 9, 19, and 20 are patentable.

Closing Comments

In view of the foregoing, it is respectfully submitted that the subject application, including claims 1, 4, 5, 9, 16, 19, 20, and 23-26, is in condition for allowance. Early notification of the same by the Board is respectfully requested.

Respectfully submitted,

Dated: November 22, 2005



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